

LICENSE NO. F-4568

IN THE MATTER OF

THE LICENSE OF

JAMES MARTIN STOCKS, M.D.

BEFORE THE DISCIPLINARY

PANEL OF THE

TEXAS MEDICAL BOARD

ORDER OF TEMPORARY RESTRICTION
(WITHOUT NOTICE OF HEARING)

On September 10, 2019, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of Chair George DeLoach, D.O., Michael Cokinos, and Linda Molina, members of the Board duly in session, the matter of the Application for Temporary Restriction (Without Notice of Hearing) of the license of James Martin Stocks, M.D.(Respondent). Christopher M. Palazola represented Board staff.

In the interests of justice and efficiency, the Board through this Panel granted Staff's Application for Temporary Restriction, which is incorporated herein as if set out verbatim; makes the following Findings and Conclusions of Law; and enters this Order of Temporary Restriction (Without Notice of Hearing) against Respondent:

FINDINGS OF FACT

1. Respondent is a Texas Physician and holds Texas Medical License No. F-4568, issued by the Board on August 19, 1979, which was in full force and effect at all times material and relevant to this Order. All jurisdictional requirements have been satisfied.

2. The Panel convened WITHOUT NOTICE pursuant to §164.059(c) of the Act.

3. Respondent is a physician whose specialty is Internal Medicine/Sleep Medicine. Respondent's last practice address on file with the Board is UTHHealth 11937 Hwy 271, Tyler, Texas 75708.

4. Respondent was arrested on or about August 12, 2019. Charges include felony diversion of a schedule II controlled substance.

5. Evidence before the panel includes Respondent's admission that he treated a colleague for around 15 years, including prescribing him opioids on a monthly basis, without conducting

regular examinations and without conducting appropriate monitoring of the patient's compliance with prescribed medications.

6. As a result of this inappropriate prescribing and monitoring the patient became addicted to opioid medications and is now in inpatient treatment for this addiction.

7. Based on the above Findings of Fact, the Panel finds that Respondent is a continuing threat to the public welfare which requires immediate effect of this Order of Temporary Restriction on the date rendered.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the temporary restriction or restriction of a person's medical license upon a determination by a Disciplinary Panel that the person would, by the person's continuation in practice, constitute a continuing threat to the public welfare.

2. Section 164.059(c) of the Act authorizes the temporary restriction or restriction of a person's medical license without notice of hearing if (a) the Board immediately provides notice of the restriction or restriction to the license holder, and (b) a hearing on the temporary restriction or restriction before a disciplinary panel of the Board is scheduled for the earliest possible date after ten (10) days' notice of hearing.

3. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited by §164.052 of the

4. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent for violating provisions of the Act or Board Rules; specifically, Board Rule 165.1(a), failure to create and maintain an adequate medical record; 170.3, failure to adhere to those established guidelines and requirements for the treatment of chronic pain.

5. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent for failing to practice medicine in an acceptable professional manner, as more specifically defined by the following Board Rule 190.8(1)(C), failure to use proper diligence in one's professional practice.

6. Section 164.052(a)(5) of the Act authorized the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public, and further defined by Board Rules 190.8(2)(J),

providing medically unnecessary services to a patient; and 190.8(2)(R), commission of the following violations of federal and state laws whether or not there is a complaint, indictment, or conviction: any felony, and any criminal violation of the Medical Practice Act or other statutes regulating or pertaining to the practice of medicine, to wit: Texas Health and Safety Code §481.129(c), related to prescribing controlled substances without a valid medical purpose.

7. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for committing an act that violates any state or federal law if the act is connected with the physician's practice of medicine; specifically, §481.129(c)(1) of the Texas Health and Safety Code, prescribing controlled substances without a valid medical purpose; and 481.071(a) of the Texas Health and Safety Code, prescribing controlled substances without a valid medical purpose.

8. Section 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent for prescribing, administering, or dispensing in a manner inconsistent with public health and welfare dangerous drugs as defined in Chapter 483, Texas Health and Safety Code, or controlled substances scheduled in Chapter 481, Texas Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §§801 et seq.).

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

1. Respondent's Texas Medical License No. F-4568 is hereby TEMPORARILY RESTRICTED.

2. Respondent shall not possess, distribute or prescribe controlled substances in Texas.

3. Respondent shall not serve as a treating doctor, nor prescribe for himself, his family, his peers or others in which he has a close personal relationship.

4. This Order of Temporary Restriction (WITHOUT NOTICE OF HEARING) is effective on the date rendered.

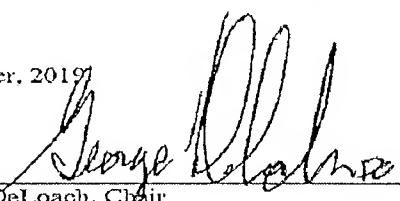
5. Notice of this Order of Temporary Restriction (WITHOUT NOTICE OF HEARING) shall be given immediately to Respondent.

6. A hearing on the Application for Temporary Suspension (WITH NOTICE OF HEARING) will hereby be scheduled before a Disciplinary Panel of the Board at a date to be

determined as soon as practicable, at the offices of the Board, unless such hearing is specifically waived by Respondent.

7. This Order of Temporary Restriction (WITHOUT NOTICE OF HEARING) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (WITH NOTICE OF HEARING) is conducted and a Disciplinary Panel enters an order or until superseded by a subsequent order of the Board.

Signed and entered this 10, day of September, 2019


George DeLoach, Chair
Disciplinary Panel
Texas Medical Board